

Amendment No. 1 to SB3159

Gresham
Signature of Sponsor

AMEND Senate Bill No. 3159*

House Bill No. 3586

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-104(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8) "Underutilized property" means an entire property or portion thereof, with or without improvements, which is intended for student occupancy and is used irregularly or intermittently by the LEA for instructional or program purposes. "Underutilized property" does not include real property upon which no building or permanent structure has been erected. "Underutilized property" includes any building or facility that houses a school in which student enrollment does not meet its target capacity and the building or facility has the capacity to accommodate at least one hundred (100) additional students.

SECTION 2. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new subdivision:

() "Vacant property" means any building or facility, with or without improvements, which is intended for student occupancy by the LEA for instructional or program purposes and has not been lawfully occupied by students for at least one (1) school year.

SECTION 3. Tennessee Code Annotated, Section 49-13-136(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

() On or before September 1, 2012, the department shall establish guidelines for the process by which LEAs make underutilized and vacant properties available to charter schools. The guidelines shall be posted on the website of the department. Such guidelines shall include, but not be limited to, a

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mechanism for ensuring that all charter schools and approved charter schools receive notice of underutilized and vacant properties, and a method and timeframe for initiating and conducting negotiations for the use of underutilized and vacant properties by charter schools. The commissioner is granted broad discretion to administer the guidelines concerning LEAs making underutilized and vacant properties available for use by charter schools in a manner that the commissioner deems necessary to quickly and efficiently carry out the purposes of this section.

SECTION 4. Tennessee Code Annotated, Section 49-13-136(c)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) An LEA having vacant property shall make the vacant property available for use by charter schools operating or approved for operation in the LEA. An LEA having underutilized property shall make space available for use by charter schools operating or approved for operation in the LEA. Any lease agreement executed between a charter school and an LEA shall not reflect any outstanding bonded debt on the underutilized or vacant property, except as agreed upon to reflect any necessary costs associated with the occupation or remodeling of the facility.

SECTION 5. Tennessee Code Annotated, Section 49-13-136(c)(1), is amended by deleting the second sentence of the subdivision in its entirety and by substituting instead the following:

No later than October 15, the LEA shall submit a comprehensive listing of all such properties to the department of education and the comptroller of the treasury.

SECTION 6. This act shall take effect July 1, 2012, the public welfare requiring
it.